

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CENTOCOR, INC. and NEW YORK
UNIVERSITY,

Plaintiffs,

v.

ABBOTT LABORATORIES, ABBOTT
BIORESEARCH CENTER, INC., and
ABBOTT BIOTECHNOLOGY LTD.,

Defendants.

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CIVIL ACTION NO. 2:07-CV-139 (TJW)

ORDER

The court makes the following rulings on outstanding motions:

Defendants' Motion for Summary Judgment (#4) that Humira Sales Qualifying as "Co-administration Product" as Determined through Arbitration are Licensed Under the Patents in Suit (Dkt. No. 164)

Pursuant to the hearing on May 26, 2009, the court GRANTS this Motion.

Defendants' Motion for Summary Judgment (#5) of No Willful Infringement (Dkt. No. 165)

Pursuant to the hearing on May 26, 2009, the court DENIES this Motion.

Defendants' Motion (#7) to Exclude Expert Testimony and For Summary Judgment Regarding Lost Profits Recovery (Dkt. No. 168)

The Motion is DENIED.

Plaintiffs' Motion *in Limine* No. 1 - DENIED

Plaintiffs' Motion *in Limine* No. 2 - DENIED

Plaintiffs' Motion *in Limine* No. 3 - GRANTED

Plaintiffs' Motion *in Limine* No. 4 - GRANTED

Plaintiffs' Motion *in Limine* No. 5 - GRANTED, however, Centocor may ask whether Abbott sought advice of counsel, and no more. Centocor also may ask questions concerning discussions on enablement.

Plaintiffs' Motion *in Limine* No. 6 - DENIED

Plaintiffs' Motion *in Limine* No. 7 - DENIED

Defendants' Motion *in Limine* No. 1 - DENIED

Defendants' Motion *in Limine* No. 2 - DENIED

Defendants' Motion *in Limine* No. 3 - DENIED

Defendants' Motion *in Limine* No. 4 - DENIED as a Motion *in Limine*.

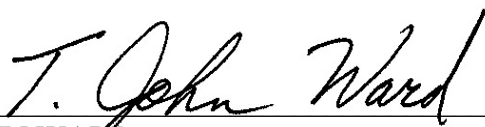
Defendants' Motion *in Limine* No. 5 - DENIED, however, Centocor's expert is limited to testifying within the scope of his expert report. Further, Centocor may only introduce evidence about "earlier filings" with the PTO and may not suggest that any of those earlier filings entitle them to a priority date earlier than February 4, 1994.

Defendants' Motion *in Limine* No. 6 - GRANTED as written, however, Centocor may ask whether Abbott sought advice of counsel, and not go any further than that question.

Defendants' Motion *in Limine* No. 7 - DENIED

Defendants' Motion *in Limine* No. 8 - DENIED

SIGNED this 8th day of June, 2009.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE